



US Army Corps
of Engineers
St Paul District

APPLICANT: City of Golden
Valley

Public Notice

ISSUED: 02 February 2004

EXPIRES: 03 March 2004

REFER TO: 2004-01953-JJY

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO DISCHARGE FILL AND DREDGED MATERIAL IN 1 ACRE OF WETLAND ADJACENT TO BASSETT CREEK FOR STORM WATER POND CONSTRUCTION AND TO DISCHARGE FILL AND DREDGED MATERIAL INTO 7 ACRES OF WETLAND ADJACENT TO BASSETT CREEK FOR WETLAND/FLOODPLAIN MITIGATION, AS PART OF THE TRUNK HIGHWAY 55/BOONE AVENUE IMPROVEMENTS.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: City of Golden Valley
7800 Golden Valley Road
Minneapolis, MN 55427
(763) 593-3988

PROJECT LOCATION: The primary project site is at the northeast corner of the intersection of Boone Avenue and 7th Avenue North/Golden Valley Road, in the NE 1/4 Sec. 31, T. 118 N., R. 21 W., Hennepin County, Minnesota. The compensatory mitigation/floodplain storage site is east of Trunk Highway 169 and north of Betty Crocker Drive, in the SW 1/4 Sec. 31, T. 118 N., R. 21 W., Hennepin County, Minnesota. The approximate UTM coordinates for the primary project site are Zone 15, North 4981500, East 469300. The UTM coordinates for the compensation/floodplain storage site are Zone 15, North 4980900, East 468600.

DESCRIPTION OF PROJECT: The proposed project is part of the Trunk Highway 55/Boone Avenue road improvements. The intersection routinely floods when Bassett Creek is high, closing the roads. The road improvements address public safety and traffic concerns. The project includes excavation and grading in 1 acre of wetland near the intersection of Boone Avenue and Golden Valley Road, along Bassett Creek north of Trunk Highway 55, plus the excavation and grading in 7 acres of wetland north of Betty Crocker Drive, east of Trunk Highway 169, and south of Trunk Highway 55. In addition to the 7 acres of wetland excavation north of Betty Crocker Drive, 7 acres of upland would be excavated and converted to wetland. The excavation would involve some temporary sidecasting, grading and shaping, and other discharges of dredged and fill material in wetland.

The project includes the following features:

a. Excavation of 1 acre of Type 3 (shallow marsh) wetland in the northeast corner of Boone Avenue and Golden Valley Road for storm water treatment and storage. The storage pond would provide 2.26 acre-feet of dead pool providing treatment for the 0.9 acre of

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additional impervious area from both the road improvements and future BP/Amoco station improvements. Mitigation for the wetland impact would occur at the area north of Betty Crocker Drive.

b. Storm sewer improvements and berms to prevent the back flow of Bassett Creek flood waters into the Trunk Highway 55/Boone Avenue intersection (no direct wetland impact). This work would result in the loss of 26 acre-feet of floodplain storage. Floodplain storage mitigation would be provided in the excavated area north of Betty Crocker Drive.

c. Mitigation for the loss of 26 acre-feet of floodplain storage and 1 acre of wetland, with excess wetland and floodplain credits that may be applied to future projects. The proposed mitigation includes excavation and grading of 7 acres of an existing Type 2/7 (wet meadow/bottomland hardwood) wetland. Excavation would be limited to 6 feet or less of soil. This excavation would convert the existing wetland to Type 3/4/5 (shallow marsh/deep marsh/open water) wetland but should not involve the loss of any wetland area. An additional 8 acres of excavation would occur in upland, to create Type 2/3/4/5 (wet meadow/shallow marsh/deep marsh/open-water) wetland, with a 2-acre upland buffer. The work would also remove undesirable invasive species on the site, including reed canary grass and buckthorn. The proposed excavation would create 8 acres of new wetland and provide 39 acre-feet of storage.

VEGETATION IN AFFECTED AREA: The 1 acre of marsh to be excavated is dominated by lake sedge, reed canary grass, sandbar willow, and eastern cottonwood.

The 7 acres of emergent/forested wetland to be excavated north of Betty Crocker Drive is dominated by reed canary grass, white snakeroot, common buckthorn, green ash, box elder, and eastern cottonwood. Because of the dominance of invasive species such as reed canary grass in the open areas and buckthorn in the shrub layer, this wetland may be low quality in some respects, although it may be a moderate to high quality in some other respects, according to a Minnesota Routine Assessment Method for Evaluating Wetland Functions (MnRAM) analysis conducted by WSB & Associates for the City of Golden Valley. This site is also a partly wooded wetland. If the buckthorn is not controlled, it may eradicate other species in the area.

SURROUNDING LAND USE: Much of the surrounding area is developed. North of Trunk Highway 55 are residential and commercial areas. South of Trunk Highway 55 are other residential and commercial areas, including the General Mills campus, which includes the mitigation site, and Brookview Golf Course. Nearby areas that are not developed are either wetland or are areas proposed for future development.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The project is not expected to require the use of any unusual potentially toxic materials.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The project itself is intended to

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protect and improve water quality in the Bassett Creek system. During construction, erosion control measures would minimize potentially polluted runoff and sedimentation. Planting native species and cover crops would help minimize erosion and sedimentation after construction is complete.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be sent to the following address:

Regulatory Branch
St. Paul District, Corps of Engineers
Attention: 2004-01953-JJY
190 Fifth Street East
Saint Paul, MN 55101-1638

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Joseph Yanta at the St. Paul office of the Corps, telephone number (651) 290-5362.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Hennepin County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Bald eagle (T)	Mature forest near water
Higgins' eye pearly mussel (E)	Mississippi River

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because Bassett Creek is tributary to the Mississippi River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under

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Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

Minnesota Pollution Control Agency - NPDES Permit
Bassett Creek Water Management Commission - Project Approval
City of Golden Valley - Wetland Conservation Act
City of Golden Valley - Tree Preservation Permit
City of Golden Valley - Grading Permit

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff reductions, MPCA is intending to waive many Section 401 certification applications with limited exceptions but the MPCA reserves the right and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of Section 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. Ch. 7050 and all other applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

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Any comments relative to MPCA's intention to waive Section 401 certification for the activity proposed in this public notice may be sent to the following address:

Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention: Section 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if any known cultural resources may be affected by the described work. Unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted, and no listed properties (known to be eligible for inclusion, or included in the Register) are in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the

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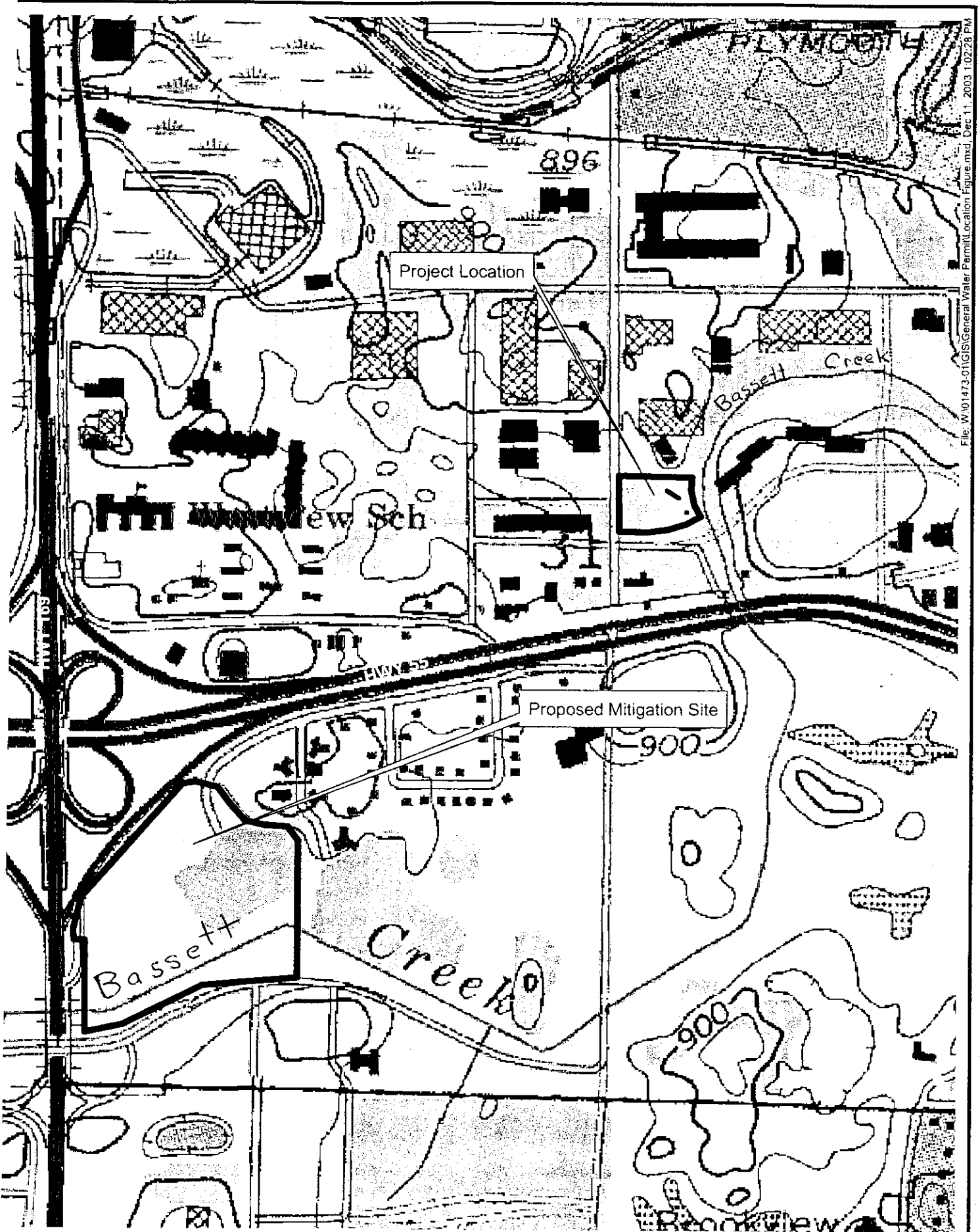
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impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or an environmental impact statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


for Ralph J. Augustin
Chief, Metro Permit Section

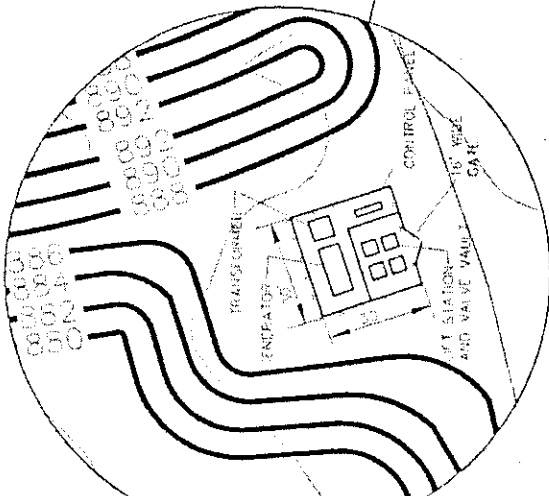
Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



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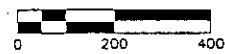




LEGEND

WET — WETLAND DELINEATION

WETLAND IMPACT



I HEREBY CERTIFY THAT THE SIGN SPECIFICATION ON RIGHT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ARIZONA.		SCALE: _____ PLAN BY: _____ CHECKED BY: _____ RECORD COPY BY: _____		AS NOTED REVISION BY: _____ PROJECT NO.: _____ DATE: _____		REVISION NO. DATE		EXPLANATION	
ENGINEER _____ DATE _____		LIO-NO _____ LC-NO _____							

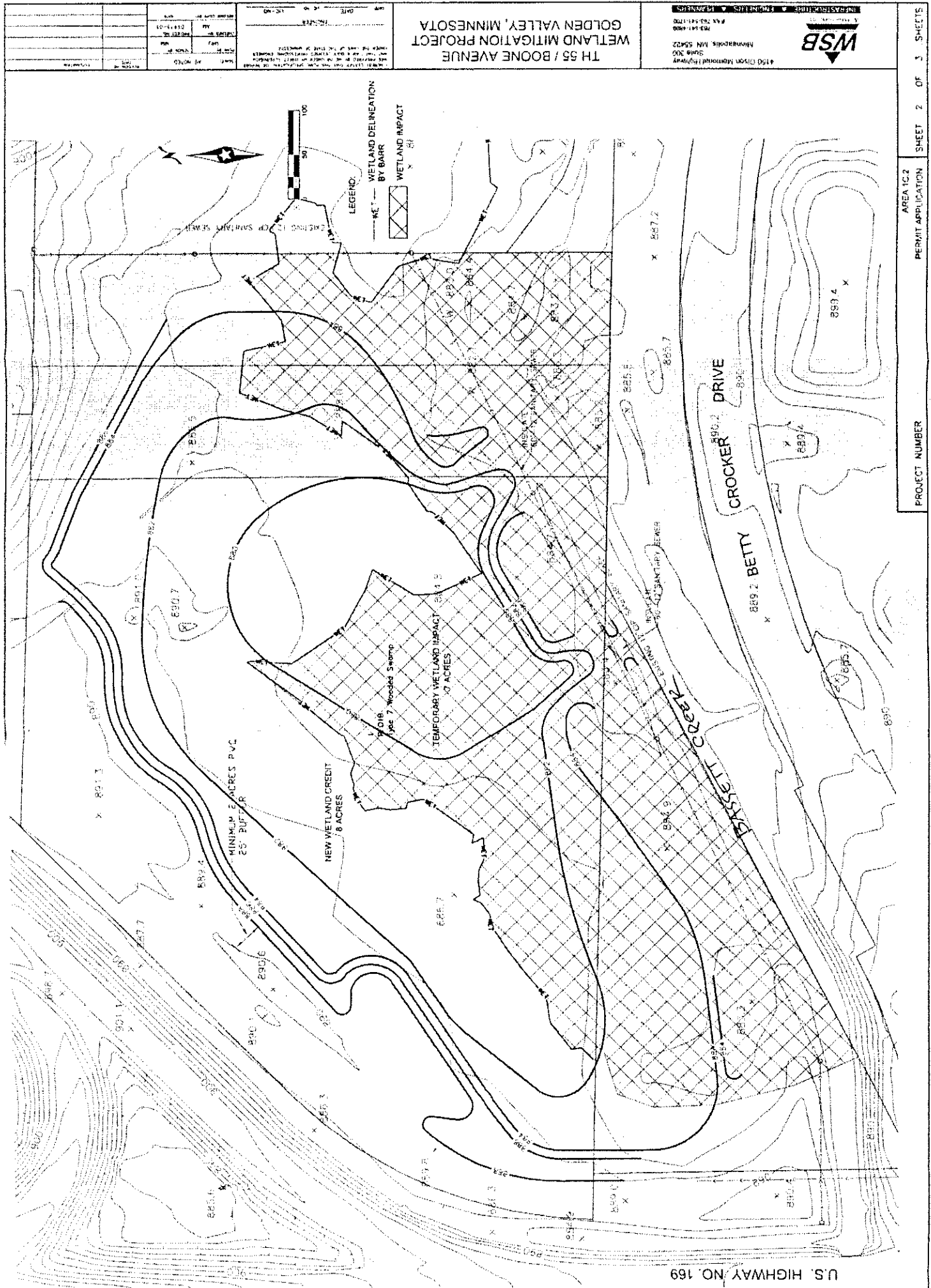
TH 55 / BOONE AVENUE
WETLAND MITIGATION PROJECT
GOLDEN VALLEY, MINNESOTA

**4150 Olson Memorial Highway
Suite 300
Minneapolis, MN 55422**

**763-541-1800
FAX 763-541-1700**

ENGINEERS • PLANNERS





EXISTING



Upland Grassland

Floodplain Forest

Wet Meadow

BISSELL CREEK

BETTY CROCKE

PROPOSED

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Floodplain Forest

Sedge/Wet Meadow

Floodplain Forest

Shallow Marsh

Floodplain Forest

Floodplain Forest

Floodplain Forest

BETTY

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Deep Marsh Habitat



Shallow Marsh Habitat